

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ITV DIRECT, INC.,)	
)	
Plaintiff,)	
)	
v.)	
)	
HEALTHY SOLUTIONS, L.L.C., et al.,)	
)	
Defendants.)	
)	
CAPPSEALS, INC.,)	Civil Action No. 04-CV-10421-JLT
)	
Plaintiff-in-Intervention,)	
)	
v.)	
)	
HEALTHY SOLUTIONS, L.L.C., d/b/a)	
DIRECT BUSINESS CONCEPTS; ITV)	
DIRECT, INC.; and DIRECT)	
FULFILLMENT, LLC,)	
)	
Intervenor-Defendants.)	

AFFIDAVIT OF SCOTT A. SILVERMAN

I, Scott A. Silverman, being duly sworn, do hereby depose and state that:

1. My name is Scott A. Silverman, and I am an associate with the law firm of Gadsby Hannah LLP located in Boston, MA. I am counsel for the Plaintiff-in-Intervention, Cappseals, Inc. ("Cappseals"). I submit this Affidavit in support of Cappseals Opposition to the Motion to Continue Trial filed by ITV Direct, Inc. ("ITV").

2. Cappseals has several creditors that have threatened to initiate collections, including an involuntary bankruptcy proceed, to recover debts Cappseals incurred manufacturing the product that was shipped to ITV. Cappseals has convinced these creditors to delay initiating such actions based upon representations that a trial of the present matter was imminent.

3. Before ITV filed its Motion to Continue, Cappseals had already incurred

significant expenses booking travel arrangements so that its principals could travel from California and be in attendance when trial is scheduled to begin on May 31, 2005.

4. As of the present date, Cappseals has already incurred significant expenses preparing for the May 31, 2005 trial date, including attorneys' fees, that will have to be duplicated if trial is postponed to a later date.

Sworn to under the pains and penalties of perjury this 20th day of May, 2005.

/s/ Scott A. Silverman
Scott A. Silverman

CERTIFICATE OF SERVICE

I hereby certify that true and accurate copies of the foregoing Affidavit of Scott A. Silverman with exhibits was served on the foregoing attorneys of record pursuant to Fed. R. Civ. P. 5 as follows:

Via electronic notification:

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DATED: May 20, 2005